Chandka

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 71 OF 2007

Ashok Narayan Marathe & Anr. ..Petitioners
versus
Ravindra Vitthal Shewade ..Respondent

Mr. A. A. Kumbhakoni i/b. Mr. A. M. Kulkarni for the Petitioners.

Mr. A. K. Patil for the Respondent.

CORAM : S. A. BOBDE, J.
DATE : 8TH OCTOBER, 2007.

P.C.

1. Heard.

2. The petitioners - tenants have challenged the decree of the appellate court directing their eviction from the shop premises belonging to the Respondent. The Respondent has established his bonafide need for the shop premises for the purposes of starting a computer training classes for his daughter-in-law. This case has been accepted by the appellate court.

3. There is no merit in the contention that

because certain residential premises were let out to one Mr. Shinde before the filing of the suit, the respondent cannot recover possession of these premises, essentially appear to be commercial. There is no material error in the appreciation of evidence or in following or in construing the provisions of law, hence, there is no merit in the C.R.A.

4. Mr. Kumbhakoni, learned counsel for the petitioners, however state that the shop is a means of their livelihood and therefore the petitioners will vacate the premises as soon as they make alternate arrangement for their livelihood. Having regard to the circumstances of the case, on the Petitioners filing undertakings, within four weeks from today, that they will vacate the premises within a period of two years from today on usual terms, the Respondent shall not execute the decree for a period of two years. Till the petitioners file undertakings, as above, they shall not part with possession or induct any third party or create third party rights in the premises. Order accordingly.

(S.A. BOBDE, J.)